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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Terry Walter

0318

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26612

7590

05/06/2004

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EXAMINER

ANWAH, OLISA

ART UNIT	PAPER NUMBER
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2645

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DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/934,112

Applicant(s)

WALTER, TERRY

Examiner

Olisa Anwah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1-5 and 11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Wang, U.S. Patent Application Publication No. 2002/0086714 (hereinafter Wang).

Regarding claim 1, Wang discloses a carry device for a cellular telephone comprising:

a volume capable of holding a cellular telephone (Figures 5-8);

one or more lighting devices on said carry device connected to at least one receiver wherein said receiver receives a signal when said cellular telephone receives a call and said receiver

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causes said lighting devices to illuminate upon receiving said signal (see abstract and paragraph 0002).

Regarding claim 2, see paragraph 0015.

Regarding claim 3, see Figures 5-8.

Regarding claim 4, see Figures 1-8 and paragraph 0015.

Regarding claim 5, see Figures 5-8.

Regarding claim 11, see Figures 5-8 and paragraphs 0018-0020.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 8-10 are rejected under 35 U.S.C § 103(a) as being unpatentable over Wang in view of Gormley et al, U.S. Patent No. 5,711,469 (hereinafter Gormley).

Regarding claim 8, Wang does not explicitly teach said carrying device has a transparent panel on at least one of said

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compartments capable of holding a cellular phone enabling a cellular phone to be viewable through said transparent panel. However Gormley discloses this limitation (see abstract and Figure 1a). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wang with the transparent panel taught by Gormley. This modification would allow a phone stored in a carrying device to be used in a normal manner as suggested by Gormley.

With respect to claim 9, the combination of Wang and Gormley teaches the display portion of said cellular telephone being viewable through said transparent panel. The combination of Wang and Gormley does not explicitly teach said carrying device has a booster cube having front, back, side, top and bottom walls placed at the bottom of said compartment. "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Wang and Gormley with a booster. This modification would allow a carry device to carry undersized cellular telephones.

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Regarding claim 10, the combination of Wang and Gormley fails to specifically disclose the compartment capable of holding a cellular telephone has two holes for the antenna of said cellular telephone to extend outside of the walls of said carrying device. "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Wang and Gormley with a compartment with two holes. This modification would allow the antenna of the cellular phone to protrude as suggested by Gormley (column 2).

5. Claims 6 and 7 are rejected under 35 U.S.C § 103(a) as being unpatentable over Wang in view of Shink, U.S. Patent No. 5,348,347 (hereinafter Shink).

Regarding claim 6, Wang teaches the volume has at least one internal wall defining at least one compartment capable of holding a cellular telephone (see Figures 1-8). Wang fails to disclose said volume has at least one other compartment capable of holding other articles. However Shink discloses this limitation (see abstract and Figures 1-4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wang with the carrying

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device taught by Shink. This modification would allow holders to carry other items such as a notepad and a calculator in an organized manner as suggested by Shink.

Regarding claim 7, Wang fails to teach the volume has one internal wall defining two compartments wherein one compartment is capable of holding a cellular telephone and the other compartment is capable of holding other articles. However Shink discloses this limitation (see abstract and Figures 1-4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wang with the carrying device taught by Shink. This modification would allow holders to carry other items such as a notepad and a calculator in an organized manner.

6. Claims 12 and 13 are rejected under 35 U.S.C § 103(a) as being unpatentable over Wang combined with Shink.

Regarding claim 12, Wang discloses a carrying device for a cellular telephone comprising:

one or more light emitting diodes on one or more of the walls of said carrying device connected to at least one receiver wherein said receiver receives a signal when said cellular telephone receives a call and said receiver causes the light

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emitting diodes to light up upon receiving said signal (see Figures 5-8 and paragraphs 0015-0020).

Wang fails to teach an enclosed volume capable of holding a multitude of articles, wherein said volume is formed by a body having front, back, side, top and bottom walls; one internal wall inside said volume defining two compartments wherein one compartment is capable of holding a cellular telephone and the other compartment is capable of holding other articles. However Shink discloses this limitation (see abstract and Figures 1-4). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wang with the carrying device taught by Shink. This modification would allow holders to carry other items such as a notepad and a calculator in an organized manner as suggested by Shink.

Further regarding claim 12, the combination of Wang and Shink fails to teach a transparent panel on said compartment capable of holding a cellular phone enabling a cellular phone to be viewable through said transparent panel. However Gormley discloses this limitation (see abstract and Figure 1a). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Wang and Shink with the transparent panel taught by Gormley. This modification would allow a phone stored in a

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carrying device to be used in a normal manner as suggested by Gormley.

With further respect to claim 12, the combination of Wang, Shink and Gormley does not explicitly teach two holes in said compartment capable of holding a cellular telephone for the antenna of said cellular phone to extend outside of the walls of said compartment capable of holding a cellular telephone.

"Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the combination of Wang, Shink and Gormley with a compartment with two holes. This modification would allow the antenna of the cellular phone to protrude as suggested by Gormley (column 2).

Regarding claim 13, the combination of Wang, Shink and Gormley teaches the display portion of said cellular telephone being viewable through said transparent panel. The combination of Wang and Gormley does not explicitly teach said carrying device has a booster cube having front, back, side, top and bottom walls placed at the bottom of said compartment. "Official Notice" is taken that this limitation is both old and well known in the art. Therefore it would have been obvious to one of

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ordinary skill in the art at the time the invention was made to further modify the combination of Wang, Shink and Gormley with a booster. This modification would allow a carry device to carry undersized cellular telephones.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 703-305-4814. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

O.A.

Olisa Anwah  
Patent Examiner  
April 20, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

